

Oklahoma Ethics Commission
2300 N. Lincoln Blvd., G-27
Oklahoma City, OK 73105

RE: Amendment 2019-02 - (Disclosures for printed or broadcast communications advocating for or against pending legislation - Commissioner Long)

Members of the Commission,

On behalf of ALEC Action, I write to express sincere concern over Amendment 2019-02 - (Disclosures for printed or broadcast communications advocating for or against pending legislation - Commissioner Long). This language as made public yesterday evening and scheduled for a public hearing this morning, poses serious threats to the rights of individuals to engage in the democratic process and anonymously donate to the groups and causes they believe in.

ALEC Action is the 501c4 affiliate of the American Legislative Exchange Council (ALEC), America's largest nonpartisan, voluntary membership organization of state legislators that brings together state lawmakers, business leaders and citizen organizations from around the country to develop state-based, pro-growth models based on academic research, existing state policy and proven business practices.

From our expedited review of Amendment 2019-02, the proposal poses threats to Free Speech and individual privacy.

While Amendment 2019-02 appears to be intended to increase transparency in lobbyist engagement, the language of Amendment 2019-02 is drafted so broadly that individuals sharing their opinions on legislation on their social media pages and charitable organizations engaging in normal business would, in many cases, be forced to add a disclaimer to their communications and even disclose the names and addresses of their donors. Not only would this violate individual privacy rights, it would subject citizens and organizations to unclear regulations that would likely chill the speech of groups and individuals uncertain of how to comply.

For example, in the proposal indirect lobbying is defined as "communications made ... indicating support or opposition of pending legislation made for the purpose of influencing a vote on pending legislation." This language is written so broadly as to implicate private citizens talking about legislation on their social media pages. Compelling an individual to add a disclaimer to their politics-related discussions is an unconstitutional encroachment on their First Amendment rights.

Furthermore, many charitable 501c3-designated organizations engage in legislative discourse when relevant to their missions. These organizations also respect the rights of their donors to remain anonymous should they so chose for religious, safety or other personal reasons. Forcing these organizations to reveal their donors where they are impacted by these proposed amendments not only violates charitable independence, it violates constitutional parameters long respected by the U.S. Supreme Court since the 1958 decision in *NAACP v. Alabama*.

The ALEC [*Resolution in Support of Nonprofit Donor Privacy*](#) warns of the threats to free speech that manifest when individual privacy is left unprotected. **Government transparency is essential to the function of good government, but so is the protection of individual privacy from government overreach.** Thank you for your consideration.

Sincerely,

Lisa B. Nelson
ALEC Action